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NOTICE

The unmentioned Gazettes of India Extraordinary were published during the week ending the 23rd September 1949 :—

No.	No. and Date	Issued by	Subject
1	No. 1(23)-I.T.C./49, dated the 21st September 1949.	Ministry of Commerce	Corrigendum to Public Notice No. 1 (23)-I.T.C./49, dated the 12th September 1949.
2	Ordinance No. XXV of 1949, dated the 22nd September 1949.	Ministry of Law	The Export Duties (Emergency Provisions) Ordinance, 1949.
3	No. 59-Customs, dated the 22nd September 1949.	Ministry of Finance (Revenue Division)	Levy and collection of duties of customs on certain articles exported from the Provinces of India.
4	No. 10-T(4)/49, dated the 22nd September 1949.	Ministry of Commerce	Report of the Tariff Board on the retention prices of steel produced by the Mysore Iron and Steel Works, Bhadravati.
	No. 28-I.T.C./49, dated the 22nd September 1949.	Ditto	Further amendment in the Open General Licence No. X.
	No. 9(4)-Tex.I/49, dated the 22nd September 1949.	Ministry of Industry and Supply	Further amendments in the Cotton Textiles (Control) Order, 1948.
	No. TOS-I/20, dated the 22nd September 1949.	Ditto	Certain directions issued by the Textile Commissioner under the Cotton Textiles (Control) Order, 1948.
5	No. CA/43(2)/Ser./49, dated the 23rd September 1949.	Constituent Assembly of India	Provision for removing difficulties that have arisen in the carrying out of the Constituent Assembly Rules in respect of the seat allotted to the Bhopal State.
6	No. 61CW(7)/48, dated the 23rd September 1949.	Ministry of Commerce	Further amendment in the Open General Licence No. 3.
7	No. 1(1)-T.B./49, dated the 24th September 1949.	Ditto	Recommendation of the Tariff Board re extension of protection to the coated abrasives industry.
	No. 1(1)-T.B./49, dated the 24th September 1949.	Ditto	Raising the duty on emery cloth, abrasive rolls, coils, etc.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

CONTENTS

PAGES	PAGES
PART I—SECTION 1.—Notifications relating to Rules, Regulations and Orders and Resolutions issued by Ministries of the Government of India (other than the Ministry of Defence) and Notifications issued by the Federal Court	PART II—SECTION 1.—Notifications and Notices issued by the Patent Office relating to Patents and Designs (<i>Published at Simla</i>)
1381—1398	725—727
PART I—SECTION 2.—Notifications regarding Appointments, Promotions, etc., of Government officers issued by Ministries of the Government of India (other than the Ministry of Defence) and by the Federal Court	PART II—SECTION 2.—Notifications issued by the High Court, the Auditor General, the Federal Public Service Commission, the Indian State Railways, and by attached and subordinate offices of the Government of India (<i>Published at Simla</i>)
1399—1409	729—735
PART I—SECTION 3.—Notifications relating to Rules, Regulations and Orders and Resolutions issued by the Ministry of Defence	PART II—SECTION 3.—Miscellaneous Notifications, i.e., those not included in Sections 1 and 2 of Part II (<i>Published at Simla</i>)
1405—1416	737—738
PART I—SECTION 4.—Notifications regarding Appointments, Promotions, Leave, etc., of officers issued by the Ministry of Defence	PART IIA.—Notifications relating to Minor Administrations (<i>Published at Simla</i>)
1407—1412	595—604
	PART III.—Advertisements and Notices by Private Individuals and Corporations (<i>Published at Simla</i>)
	141—143

PART I—Section 1

Government of India Notifications relating to Rules, Regulations and Orders, and Resolutions (other than the Ministry of Defence)

CONSTITUENT ASSEMBLY OF INDIA

New Delhi, the 20th September 1949

No. OA/8/Ser/49.—It is hereby notified that the election of Dr. Y. S. Parmar representative of Himachal Pradesh in the Constituent Assembly of India, having been declared void by the President of the Assembly, his seat in the said Assembly has become vacant

New Delhi, the 21st/22nd September 1949

No. OA/8/Ser/49.—A vacancy having occurred in the Constituent Assembly of India by reason of the resignation of Mr. Z. H. Lari, a member elected to the said Assembly by the Muslim part of the U. P. Legislative Assembly, the President of the Constituent Assembly is pleased, in pursuance of the provisions of sub-rule (1) of rule 5 of the Constituent Assembly Rules, to call upon the above Constituency to elect, in accordance with the said Rules, a person for the purpose of filling the said vacancy.

New Delhi, the 22nd September 1949

No. —In continuation of the order of the President of the Constituent Assembly, published under this Secretariat notification No. CA/78/Com/RR/48, dated the 10th September, 1949, on the election petition by Shri Satya Dev Bushahri against the election of Dr. Y. S. Parmar as a representative of the Himachal Pradesh in the said Assembly, the following Report of the Credentials Committee to which the said petition was referred is published for general information:—

ELECTION PETITION No. 7 OF 1948

SHRI SATYA DEV BUSHAHRI

Versus

Dr. Y. S. PARMAR.

Report of the Credentials Committee.

This is a petition under Ch. X of the Rules of Procedure and Standing Orders of the Constituent Assembly of India presented by Shri Satya Dev of Bushahri, District Mahasu, Himachal Pradesh, for setting aside the election of the Respondent, Dr. Y. S. Parmar of Nahan, District Sirmoor, as the representative of Himachal Pradesh in the Constituent Assembly.

Himachal Pradesh was constituted as a province of India on the Merger of 21 States comprising Chamba, Mandi, Suket, Sirmoor and the following 17 States in Simla Hills:—

- (1) Bushahr;
- (2) Baghal;
- (3) Baghat;
- (4) Balsan;
- (5) Bhajji;
- (6) Bija;
- (7) Darkoti;
- (8) Dhami;
- (9) Jubbal;
- (10) Keonthal;
- (11) Kumharsain;
- (12) Kunihar;
- (13) Kuthar;
- (14) Mahlog;
- (15) Mangal;
- (16) Sangri; and
- (17) Tharoch.

The Merger was duly notified in the *Gazette of India* of the 9th of March 1948, and the new Province came into existence on the 15th of April 1948 as a centrally administered area under a Chief Commissioner. For administrative purposes the Province was divided into four Districts:

- (i) Chamba District for the territory which was known as Chamba State before the Merger;
- (ii) Mandi District (with headquarters at Mandi) for the territories which were included in Mandi and Suket States;
- (iii) Sirmoor District (with headquarters at Nahan) for the area of the pre-Merger Sirmoor State;
- (iv) Mahasu District for the territories which were formerly included in the 17 Simla Hill States aforesaid.

In view of the changes that had taken place in the constitutional and administrative position of several Indian States, including the States which now form part of the province of Himachal Pradesh, the President of the Constituent Assembly issued Notification No. CA/48-Ser./48-I on the 2nd of August 1948, framing Rules for filling vacancies in the seats in the Constituent Assembly which had been allotted to these States. Rule 4(2) provided, *inter alia*, that in the States where no legislature existed, the vacancy would be filled by the members of an Electoral College constituted in accordance with the provisions made in this behalf by the authority specified in column 3 of Part II of the Annexure. In these Rules and the Annexure, one seat was allotted to the Himachal Pradesh and the Chief Commissioner of the province was specified as the authority who was to make provision for the constitution of the Electoral College.

On the 7th of August 1948, the President of the Constituent Assembly addressed a letter to the Chief Commissioner, Himachal Pradesh, requesting him to proceed to fill the vacancy in the Himachal Pradesh by election to be held in accordance with the provisions of Para. 4(2) of the Schedule and fixing the 30th of September 1948 as the date before which the election was to be completed.

On the 29th September 1948, the Chief Commissioner reported to the President, Constituent Assembly that Dr. Y. S. Parmar had been elected to the Constituent Assembly to represent Himachal Pradesh, and on the 7th of October 1948, the election of Dr. Y. S. Parmar was duly notified in the *Gazette of India*.

Against this election, the present petition was presented by Shri Satya Dev of Bushahr, District Mahasu, to the President of the Constituent Assembly who, on the 4th of November 1948, referred it to this Committee.

Before dealing with the allegations in the petition and the grounds on which the petitioner seeks to have election set aside and the reply of the Respondent thereto, it is necessary to give in some detail the orders passed by the Chief Commissioner for constituting the Electoral College and nomination of candidates and also an account of the meeting of the Electoral College, at which the election was held.

In exercise of the powers conferred on him by Rule 4(2) of the Constituent Assembly Rules, as amended by Notification No. CA/48/Ser. 48-I, to which reference has already been made the Chief Commissioner on the 1st of September 1948, issued Notification No. C-97/11/48 making provision for electing a representative of the province to the Constituent Assembly, as follows:—

"An Electoral College consisting of not more than 24 members will be formed for the Himachal Pradesh consisting of not more than six members from each district. These members will be nominated by those political parties, in each district which have been in existence for not less than two years. The number of members to be nominated by each party will be such as may

hereafter be determined provided that the number to be nominated by any party in any one district shall not exceed three. These nominations will be forwarded under the signatures of the President and the Secretary of the party to the Deputy Commissioner of the District not later than the 15th of September 1948. The members of the Electoral College so formed will be called upon to meet at Simla, not later than the 25th September 1948, and to elect either from amongst their own number or from outside a representative to the Constituent Assembly and the name of the representative so elected will be forwarded to the President of the Constituent Assembly before the 30th September 1948."

It appears that before the issue of this notification, the Chief Commissioner had been making inquiries, through the Deputy Commissioners of the four districts in the province, about the political parties which had been in existence for over two years in each district. The replies received from the Deputy Commissioners disclosed that there was no well-organised party of requisite standing in any district save and except the Congress Party which, before the Merger, functioned in the 21 States under the name of "State Parja Mandals." In view of this information, the Deputy Chief Commissioner thought fit to limit the membership of the Electoral College to eight members consisting of two representatives of the Congress Party in each district. Accordingly, on the 3rd/4th September 1948, he addressed the following letter to Dr. Y. S. Parmar, who was described as the President of the "Himachal Pradesh Provincial Congress Committee":—

"Will you please refer to the notification No. G.97-11/48, dated the 1st September 1948, a copy of which has been forwarded to you.

2. From the replies received from the Deputy Commissioners of districts it appears that there is no other party in existence in any of the districts of Himachal, except the Congress Party which is eligible for sending representatives to the Electoral College for selecting a candidate for the seat in the Constituent Assembly. In view of this it seems best that two representatives of the Congress Party should be sent from each of the districts to form the Electoral College to elect Himachal Pradesh's representative to the Constituent Assembly. Will you please arrange for this to be done? It is suggested that the meeting of the Electoral College should take place in the third week of September on any date that you may care to suggest."

The proposed modifications in the terms of the notification of the 1st of September were not incorporated in a fresh notification nor do they appear to have been otherwise published. All that was done was that on the 6th of September 1948, the Deputy Chief Commissioner sent to the Deputy Commissioners of the four Districts copies of the letter addressed by him to Dr. Y. S. Parmar on the 3rd/4th September 1948.

The date specified in the notification of the 1st of September 1948 for filing nominations to the Electoral College was the 15th of September, but no nominations had been received by that date. It was, therefore, not possible to hold the election on the 25th September which had been fixed for the purpose in the Notification. On the 22nd of September 1948, the Chief Commissioner issued a Notification extending the date for the meeting of the Electoral College from the 25th of September to the 29th of September.

Simultaneously, on the same day, telegrams were sent to the Deputy Commissioners of the four Districts intimating the change of date of the meeting of the Electoral College to the 29th September and asking them to inform their District Congress Committees to expedite nominations. Curiously enough, no date for filing the nomination of the members of the Electoral College was mentioned in this Notification or the telegrams to the Deputy Commissioners, though the date originally fixed for this purpose (15th September) had long since expired. This omission appears to have been noticed three or four days

later and on the 26th of September 1948 the Chief Commissioner's Office despatched telegrams to the Deputy Commissioners saying that the date for receiving nominations had been extended to the 28th of September 1948, that the President or Secretary of the District Congress Committee be asked to give two names before that date to their Deputy Commissioners who were asked to communicate those names by express telegrams immediately to the Chief Commissioner and pointing out that the meeting of the Electoral College was to be held on the 29th of September.

On the 27th of September, the Deputy Commissioner, Chamba District, wired to the Chief Commissioner that the Chamba District Congress Committee had nominated Shri Avtar Chand Mehta and Shri Nihal Singh who would be reaching Simla on the 29th September. The next day a telegram was received by the Chief Commissioner purporting to have been by Shri Nihal Singh from Pathankote that his motor car had failed and he had unavoidably missed the train and asking for postponement of the meeting. The Deputy Commissioner of Nahau wired on the 27th saying that Shri Rajendra Datt and Shri Hitendra Singh had been nominated by the Sirmoor District Congress Committee. The Deputy Commissioner, Mandi, on the 28th wired that the Mandi Congress President felt that the notice was too short for the electors to reach in time.

As regards Mahasu District, Dr. Parmar as the President of the Provisional Provincial Congress Committee wrote to the Deputy Chief Commissioner on the 26th of September as follows:—

"The various Praja Mandals or Congress Committees in the Simla Hills have not yet been integrated into one District Congress Committee as such there is no District Congress Committee for Mahasu District. In order to give proper representation to Mahasu I have, as settled with you through Shri Antani, authorised the Secretary H.P.C.C. to file nomination of two Mahasu Members with the D.C. Mahasu. I hope we shall now be able to hold the election as desired by you on the 29th September."

This was followed by a letter dated the 27th of September by Shri Sant Ram, Secretary, Himachal Pradesh Provisional Provincial Congress Committee addressed to the Chief Commissioner, giving the names of Shri Padamdev and Shri L. D. Verma as the Congress members from Mahasu District on the Electoral College.

On the 29th September, a meeting of the Electoral College was held in the Himachal Pradesh Secretariat, Simla. At this meeting neither the Chief Commissioner, nor the Deputy Chief Commissioner was present. The meeting was presided over by Mr. Antani, Assistant Secretary (Pol.) of the Himachal Pradesh Administration. There were only four persons present, namely (1) Shri Rajendra Datt and (2) Shri Hitendra Singh, purporting to represent the Sirmoor Congress Committee and (3) Shri Padamdev and (4) Shri L. D. Verma, who had been nominated by the President of the Himachal Pradesh Provisional Provincial Congress Committee to represent Mahasu District, on the Electoral College. No representative of Mandi or Chamba Districts attended. Dr. Y. S. Parmar, though not a member of the Electoral College, was also present but did not take part in the election. The aforesaid four members unanimously elected Dr. Y. S. Parmar as the representative of the Himachal Pradesh on the Constituent Assembly. Mr. Antani reported the result of the election to the Chief Commissioner who had communicated to the President of the Constituent Assembly. As already stated, the election was notified in the *Gazette of India* of the 7th of October 1948, and on the 4th of November Shri Satyadev presented this petition.

In the petition, the petitioner stated that he was a resident of Bushahr State and President of the Bushahr State Congress Committee, which had been in existence for three years and that he was also a member of the *ad hoc* Provincial Congress Committee of Himachal Pradesh. He averred that no publicity had been given to the Notification (No. G.97-11/48) issued by the Chief Commissioner on the 1st of September 1948 constituting the Electoral College and no political party in the province was informed of it though there existed 19 different Congress Committees in Mahasu District alone; that on the 3rd of September,

the Deputy Chief Commissioner, without lawful authority, superseded the Notification of the Chief Commissioner above-mentioned and informed the Respondent that two representatives of the Congress Party should be sent from different Districts to form the Electoral College, that no publicity was given to this change in the mode of constituting the Electoral College nor were the District Congress Committees which were to send two representatives to the new Electoral College, informed of it; that neither the Electoral College, as contemplated in the Chief Commissioner's Notification of the 1st of September nor in the Deputy Chief Commissioner's letter of the 3rd of September came into existence at all; that, instead, the authority to select the representatives was illegally lent to the Himachal Pradesh Provisional Provincial Congress Committee to act in any manner it thought fit; that even the Provisional Provincial Congress Committee did not meet to hold the election; that the Respondent, who is the President of that Committee, did not inform all its members, but manoeuvred the election fraudulently and in a manner which amounted to corrupt practices. The petitioner claimed that he as the President of the Bushahr Congress Committee had a right to nominate members to the Electoral College and to take part in the election and that when power was delegated to the *ad hoc* Provisional Provincial Congress Committee, he as a member thereof, was an elector. For these reasons, he urged that the election of the Respondent was vitiated by irregularities, fraud and corrupt practices and ought to be set aside and a fresh election ordered.

In answer to the petition, the Respondent filed a written statement in which he traversed the allegations in the petition. He denied that the petitioner had *locus standi* to present the petition and contended that the plaint did not disclose a cause of action. He further averred that the Deputy Chief Commissioner had acted throughout under instruction of, and on authority delegated to him by, the Chief Commissioner that the Electoral College was properly constituted; that the election was held by the Electoral College and not by the Himachal Pradesh Provincial Congress Committee as alleged in the petition and was not vitiated by any irregularities or fraud or corrupt practices and was valid. An additional plea was raised that the Credentials Committee had no jurisdiction to go into the question of the composition or the constitution of the Electoral College which was a matter exclusively within the authority of the Chief Commissioner.

After the petitioner's Counsel and the Respondent had made lengthy statements, the Committee framed the following issues:—

- (I) Whether the Petitioner has *locus standi* to present the petition;
- (II) Whether the petition discloses a cause of action;
- (III) Whether the election of the Respondent is invalid.

In support of their respective cases the parties mainly relied upon documents, which were formally placed on the record. In addition, the petitioner orally examined Acharji Jagal Kishore, M.C.A., General Secretary of the All India Congress Committee and, at the Respondent's instance Mr. N. C. Mehta, I.C.S., (Retd.) Chief Commissioner, Mr. E. P. Moon, I.C.S. (Retd.), Deputy Chief Commissioner and Mr. Autani, Assistant Secretary (Pol.), Himachal Pradesh, were examined on commission at Simla. At the conclusion of the evidence, learned Counsel for both parties addressed the Committee at length.

Before dealing with the issues as framed, it is necessary to consider an objection raised on behalf of the Respondent in regard to the jurisdiction of the Credentials Committee. In the additional pleas filed by him on the 28th of November 1948, it was stated that the Credentials Committee had no jurisdiction to go into the question of the composition or constitution of the Electoral College that matter being exclusively within the authority of the Chief Commissioner. In the lengthy statement made by the Respondent orally before framing the issues, he did not rely on this plea nor did he ask for a specific issue being framed on it. At the conclusion of his arguments, however, the learned counsel for the Respondent raised the point again. Though it was not covered by any of the

issues we allowed him to argue it and heard him at length. In our opinion, the plea has been raised under a misapprehension. It is not objected by the petitioner—as, indeed, it could not be—that the Chief Commissioner had no power to make provision for the constitution of the Electoral College. It is conceded on his behalf that under Rule 4(2), framed by the President of the Constituent Assembly on the 2nd of August 1948, it was exclusively within the Chief Commissioner's discretion to fix the number of members of the Electoral College and lay down their qualifications and the manner in which they were to be appointed, whether by election by a particular party or association of persons, or by nomination, and if the latter, by whom. The petitioner's objection, however, is that no Electoral College actually came into existence in accordance with the rules laid down in the Chief Commissioner's Notification of the 1st September or the modifications made therein on the 3rd/4th September and that the meeting at which the Respondent was elected was not a meeting of the Electoral College as so constituted. It is contended that even if such modifications had been made by the Deputy Chief Commissioner under the authority of the Chief Commissioner, the persons who took part in the meeting of the 29th September, at which the Respondent was elected, were not properly appointed 'representatives of the Congress Party in each District', as required by the modified rules above referred to and had no right to take part in and vote at the election, that the convening of the meeting and proceedings thereat were vitiated by irregularities and that, therefore, the election was void. Obviously, these are matters which the Credentials Committee is competent to examine and decide. It is well-settled that while an Election Tribunal is not competent to go into objections challenging the validity or propriety of the rules framed by appropriate authority for the formation of the Electoral College, it is the function of the Tribunal—indeed it is its duty—the ascertain that these rules had been duly observed, that the meeting of the Electoral College had been properly convened, that it was attended by persons who were qualified under the rules to be its members and that there was no material irregularity in the conduct of the proceedings such as might vitiate the election. As the objections raised by the petitioner fall within this category, the Credentials Committee, clearly, has jurisdiction to determine them. We, therefore, see no force in the preliminary objection raised by the Respondent.

We will now proceed to examine the grounds on which the petitioner seeks to challenge the Respondent's election. The first contention raised on his behalf is that the Deputy Chief Commissioner had no power to make any modification in the rules for the composition of the Electoral College as laid down in the Notification issued on the 1st of September by the Chief Commissioner, who alone had been designated by the President of the Constituent Assembly as the authority to make provision for the constitution of the Electoral College. It is true that there is no order on the rule passed by the Chief Commissioner delegating any of his powers to the Deputy Chief Commissioner. But the Deputy Chief Commissioner's letter of the 6th September, communicating to the Deputy Commissioners of the four districts, the modifications made on the 3rd/4th September, purports to have been issued "By Order". Further, the Chief Commissioner, Mr. N. C. Mehta, in his statement before the Local Commissioner has said "I authorised the Deputy Chief Commissioner to take all necessary action" in regard to the election. In the circumstances, we do not find any substance in the petitioner's contention and must reject it.

The petitioner next urges that no Electoral College came into existence in accordance with the modified rules, under which the College was to consist of "two representatives of the Congress Party in each District". His contentions are:—

- (i) that these changes were not properly notified to the Congress organisations in the Districts, particularly in Mahasu, where there were no less than seventeen Congress Committees functioning at that time;
- (ii) that the time fixed for selecting such representatives was too short to enable meetings to be held in the Districts for the purpose and for the

- representatives so selected to go to Simla to attend the meeting of the Electoral College on the 29th of September;
- (iii) that the persons who actually attended the meeting were not properly selected "representatives of the Congress Party" in each District; and
- (iv) that the meeting was not presided over by the Chief Commissioner or the Deputy Chief Commissioner or by a duly appointed Returning Officer.

On these grounds it is urged that the election was void.

As pointed out above the date fixed in the Notification of the 1st September for filing the nominations of representatives of each district with the Deputy Commissioner was the 15th September and that for holding the meeting of the Electoral College at Simla was the 25th September. No changes in these dates were made by the Deputy Chief Commissioner on the 3rd/4th September or the order communicated by him to the Deputy Commissioner of the Districts on the 6th September. The dates, originally fixed, therefore, stood. No nominations, however, were received by the 15th September from the Congress Party in any district. On the 22nd September, a notification was issued changing the date of the meeting of the Electoral College from the 25th to the 29th September but it was not until the 26th September that the date for filing nominations of representatives was fixed as the 28th. On that date, (i.e. the 26th September) telegrams were sent to the Deputy Commissioners in the four districts saying that the time for receiving nominations had been extended to the 28th and that the President or Secretary of the District Congress Committee be asked to give to the Deputy Commissioner of the District concerned the names of two representatives before that date and that these names be communicated to the Chief Commissioner by express telegram immediately after their receipt as the meeting of the Electoral College was to be held on the 29th September.

Himachal Pradesh comprises extensive hilly country, scattered from Sirmoor on the borders of the United Provinces to Chamba which adjoins Jammu and Kashmir territory and has very scanty means of communications. The meeting of the Electoral College was to be held at Simla, which is about 500 miles from the headquarters of Chamba and Mandi Districts. In the interior of the districts, there are no modern means of communication. Obviously, two days (26th to 28th) was too short a time for the selection of "representatives of the Congress Party" in these Districts and for these representatives to reach Simla on the 29th in time for the meeting of the Electoral College. The inevitable happened. The Deputy Commissioner of Mandi wired to the Chief Commissioner on the 28th September that the President of the District Congress Committee had expressed his inability to convene a meeting of the Committee at such short notice. In Chamba the District Congress Committee appears to have held some sort of meeting and elected two representatives, who actually started from Chamba on the 28th, but their motor-car broke down on the way and they sent a telegram saying that it was not possible for them to reach Simla on the 29th and that the meeting be postponed. The two representatives of the Sirmoor District Congress Committee, however, attended

With regard to Mahasu District the position was peculiar. This District was formed by the Merger of seventeen States in the Simla Hills. Before the Merger, each State had a separate Praja Mandal, which automatically became the "State Congress Committee" on the 15th of April, 1948. It was intended to integrate these State Congress Committees into a District Congress Committee, but this had not been done. It is common ground that these seventeen State Congress Committees continued to function and no District Congress Committee ever came into existence. Some of these State Congress Committees had very large membership. In Bushahr alone there were as many as 7000 primary members. According to the instructions of the Chief Commissioner, the "two representatives of the Congress Party" in each

District were to be selected by the District Congress Committee. This, however, was not possible in Mahasu in the absence of a duly constituted District Congress Committee. The petitioner contends that in these circumstances, "the Congress Party in the District" consisted of the seventeen State Congress Committees and they jointly should have elected the two representatives on the Electoral College. No meeting of these Committees or their representatives was held, or could be held, between the 26th and the 28th of September. Mahasu District thus remained unrepresented on the Electoral College, which was not properly constituted.

The two persons, who actually attended the meeting on the 29th as the "representatives" of Mahasu District and voted in the election, had been nominated by Dr. Y. S. Parmar (Respondent) in his capacity as President of the Himachal Pradesh Provisional Provincial Congress Committee. How this Committee came into existence is explained by the Respondent in his statement before us and also in the evidence of Acharya Jugad Kishore, Secretary of the A.I.C.C. They have stated that when the Merger of different States, either into States' Unions or in the Dominion of India began, the Working Committee of the A.I.C.C. decided that wherever the Regional Councils of the Praja Mandals existed, they would automatically function provisionally as Provincial Congress Committees in the merged areas, until the latter were properly elected according to the Congress constitution. In other areas, like the Himachal Pradesh, which had merged in the Indian Dominion and where no Regional Council existed, the Working Committee would appoint Provisional Provincial Congress Committees consisting of nominated members. As there was no Regional Council in the Himachal Pradesh, a Provisional Provincial Congress Committee was appointed for the Province in May 1948. It originally consisted of 13 members, which number was raised to 17 a few weeks later. Dr. Y. S. Parmar was appointed the President of this Committee. The case for the Respondent is that the meeting of the Provisional Provincial Congress Committee was held on the 13th of September, 1948, at Sirmoor where a resolution was passed authorising him, as the President, "to take necessary steps with regard to the nomination of the representatives of the Congress Party in each district on the Electoral College" and that "if it became necessary to send in the nominations, the President himself would do that or ask the District Congress Committees, wherever they existed, to do so." The Respondent says that, acting under the authority of this resolution, he nominated Shri Padam Dev and Shri L. D. Verma as Congress representatives from Mahasu District on the Electoral College. The Respondent has also placed on the record a copy of another resolution passed by the Himachal Pradesh Provisional Provincial Congress Committee in its meeting held on the 20th of January, 1949, confirming his action in nominating these two persons as representatives of Mahasu District on the Electoral College. The Respondent has further attempted to show that the procedure followed by him had the approval of the Congress High Command but Acharya Jugad Kishore, Secretary of the A.I.C.C., who has been examined as a witness before us, has contradicted this. He has definitely stated that he, as the Secretary of the A.I.C.C. did not give any authority to the Himachal Pradesh Provisional Provincial Congress Committee to nominate the representatives of Mahasu District on the Electoral College, nor was any direction issued by the A.I.C.C. for setting up any particular candidate on behalf of the Congress. Reference in this connection has been made by both parties to certain correspondence which passed between Dr. Parmar and the A.I.C.C. both before and after the election, and also to certain letters between Acharya Jugad Kishore and Babu Rajendra Prasad, the then President of the Congress. This correspondence is in our opinion, not relevant to the points at issue before us. All that we have to see is whether the Electoral College was properly constituted in accordance with the rules laid down by the Chief Commissioner in the Notification of the 1st of September, as modified on the 3rd/4th of September. Any directions issued by the A.I.C.C. to the Himachal Pradesh Provisional Provincial Congress Committee or the opinions expressed by the

Secretary or the President of the A.I.C.C. on the internal affairs of the Congress in the Province or the conduct of the Respondent relating thereto can have no bearing on the question whether the Electoral College was properly constituted. Under the rules, Mahasu District was to have "two representatives of the Congress Party in the District" on the Electoral College. These representatives could not possibly be nominated by the Respondent who, admittedly does not belong to that District and is not even a member of any of the Seventeen Congress Committees which were functioning therein. The rules gave him no power, as the President of the Himachal Pradesh Provisional Provincial Congress Committee, to make such nominations. The petitioner has urged that the meeting of the Provisional Provincial Congress Committee, stated to have been held on the 13th September at Sirmoor, was not properly convened and that though he was one of its members, he had no notice of it. We do not think it necessary to investigate this matter, as we are of opinion that the Provisional Provincial Congress Committee had no authority under the rules to elect or nominate the representatives of the Mahasu District on the Electoral College or to invest its President with such authority. The resolution of the 20th January, 1949, confirming and ratifying the action of the President in nominating the two members for Mahasu District is obviously of no effect. This meeting was held more than three months after the election and more than two months after the present petition had been presented. Such *ex post facto* ratification cannot give any validity to the nominations if they were bad *ab initio*.

In this connection it is necessary to consider a further contention raised by the Respondent that it had been "settled" between him and the Deputy Commissioner that the two representatives of Mahasu District on the Electoral College be nominated by him in his capacity as President of the Himachal Pradesh Provisional Provincial Congress Committee and that it was in pursuance of this "settlement" that he had nominated the two persons aforesaid as such representatives. In support of this contention he relies upon a letter, written by him to the Deputy Chief Commissioner on the 26th of September, 1948, relevant extracts from which have already been reproduced *in extenso* in an earlier part of this Report. In that letter the Respondent had said, "I have, as settled with you through Mr. Antani, authorised the Secretary of the H.P.C.C. to file nominations of Mahasu members with the Deputy Commissioner, Mahasu." There is, however, no evidence on the record that any such "settlement" had, in fact, been arrived at. No order of the Chief Commissioner or the Deputy Chief Commissioner to this effect has been produced. Neither Mr. N. C. Mehta nor Mr. Moon, in their statements before the local Commissioner, made any reference to it nor was any question in regard to it put to Mr. Antani when he was in the witness box. The allegation, therefore, remains unproved.

But assuming that any such "settlement" had in fact been arrived at, it was of no legal effect whatever. The rules for the constitution of the Electoral College were contained in the Chief Commissioner's Notification of the 1st of September, as modified on the 3rd/4th September, under which the College was to consist of "two representatives of the Congress Party in each District". If circumstances had arisen which necessitated a further modification in the rules a formal notification embodying such modifications should have been issued and due publicity given to it in good time before the election. The rules already made and published could not be modified on the eve of the election in this casual manner in the course of conversation between a subordinate of the Chief Commissioner and one of the candidates or by messages verbally sent through the former. It must, therefore, be held that the so-called "settlement" has not been proved and, in any case, it was wholly ineffectual and could not possibly deprive the "Congress Party" in Mahasu District of their legal right to select two representatives on the Electoral College.

After careful consideration, we are of the opinion that the two persons who attended the meeting of the Electoral College as "representatives of the Congress Party in Mahasu District" were not properly appointed members

of the College that they had no right to take part in the election of the Member for the Province on the Constituent Assembly, and that their votes were improperly received.

Before concluding this part of the case we may also point out that at the meeting of the Electoral College held on the 29th September, neither the Chief Commissioner nor the Deputy Chief Commissioner was present, and the meeting was presided over by Mr. Antani, Assistant Secretary (Pol.). The Chief Commissioner was the authority designated by the President of the Constituent Assembly in regard to the election of the Member from Himachal Pradesh in the Assembly. If for any reason it was not possible for him to preside at the meeting of the Electoral College, he could have nominated any other person to do so. There is, however, nothing on the record to show that this was done. Mr. N. C. Mehta, when examined as a witness before the Local Commissioner frankly admitted his ignorance of all matters in connection with this election and in reply to questions put to him said "that such questions may be referred to the Deputy Chief Commissioner and the Assistant Secretary who handled all this matter". The Deputy Chief Commissioner, Mr. Moon, in his evidence, stated that he had "no personal knowledge of the proceedings of the Electoral College" and that he "could not remember who presided over the meeting of the Electoral College held on the 29th of September". From the Election file in the Chief Commissioner's Office it appears that the Chief Commissioner inquired if his presence at the meeting was necessary. Mr. Antani put up a note that "he had consulted Dr. Parmar and he had advised that the presence of neither the Chief Commissioner nor that of the Deputy Chief Commissioner at the meeting was necessary". Both these officers appended their initials to this note. Neither of them, however, passed an order in writing appointing Mr. Antani as the Returning Officer, or authorising him to preside at the meeting and conduct the proceedings.

From what has been stated above it is clear that the Electoral College was not constituted in accordance with the Notification of the 1st September, as modified on the 3rd/4th September, that there was not sufficient time given to "the Congress Party" in each District to select its representatives, or for the persons so selected to attend the meeting. At the meeting itself the proceedings were not conducted by a duly authorised Returning Officer. These are very serious irregularities which, in our opinion, vitiate the election.

We have now to consider the question whether the petitioner has *locus standi* to present this petition. Rule 53 of the "Rules of Procedure of the Constituent Assembly" for India lays down that "an election petition against any returned candidate may be presented to the President by any candidate or elector on the ground of irregularity or corrupt practice". The Respondent contends that he had been elected by the Electoral College and as the petitioner was not a member of the College and therefore not entitled to vote at the election by the College, he was not an "elector". Nor was he a "candidate" for such election; he had therefore no right to present this petition. The Petitioner concedes that he was not a "candidate" at the election but he maintains that he was an "elector".

In the Rules of Procedure of the Constituent Assembly there is a definition of the word "candidate", but the word "elector" has not been defined. Counsel for the parties have referred us to various Dictionaries and books on the Law of Elections and to some decided cases. According to Webster "elector" has a general meaning and it has also various special meanings. The general and wider meaning is: "One who elects; one who has a right of choice". The special meanings are narrower, varying according to the provisions of the Statutes or rules framed thereunder which regulate election to officers or legislative and other bodies. These special meanings, however, must be restricted in their application to the particular cases to which they relate and cannot be extended to others. In Great Britain, for instance, "elector" has

been taken to mean a person qualified to vote in the election of members of Parliament as laid down in the Parliamentary Elections (Act) 81-82, Vict. C. 125, Sec. 5, which provides that an election petition may be presented by—

- (i) a person who voted or had a right to vote at the election to which the petition relates;
- (ii) some person claiming to have had a right to be returned or elected at such election; or
- (iii) some person alleging himself to have been a candidate at such election.

This provision has been adopted in the laws or regulations governing elections to other offices and bodies specified therein and has been reproduced in many of the text books cited before us.

In the United States of America "elector" has a special meaning as one of the persons chosen by the vote of the people to the Electoral College, the function of which is to elect the President or the Vice President.

We have been asked to interpret the word "elector" in Rule 53 of the Rules of Procedure of the Constituent Assembly in accordance with these definitions, but as stated already the word "elector" is not defined in these Rules, nor do they contain any specific provisions for election by an Electoral College. Nor, again, did the Chief Commissioner's Notification, under which the Member for Himachal Pradesh was to be elected by an Electoral College, constituted in the manner laid down therein, make any provision as to the stage when, and the persons by whom, the selection of the representatives of a particular District could be questioned and its validity determined. In America, where an election is held by an Electoral College, the rules contain elaborate provisions for framing the preliminary roll of electors, and finalising it after hearing objections and claims; the election by such electors of their representatives on the Electoral College; the hearing and determination of objections to this election, and finally the election by the members of the College of the President or the Vice-President. Similar provisions exist in the Rules of Procedure of other bodies, where an election is held in two stages. In such cases, there is a properly constituted and well-defined College composed of members whose election has been tested and found valid before the College meets to hold the final election. A petition to challenge this last-mentioned election can only be made either by person who was a candidate at such election or by an "elector", which in the context, would obviously mean a member of the college.

In the present case, however, the position is entirely different. No separate rules for the constitution of the Electoral College and for receiving objections to the election or nomination of members thereof had been framed. There was only one Notification dealing with the nominations of the representatives of the Congress Party on the Electoral College and for the election by the Electoral College of the Member of the Constituent Assembly. A period of two days only had been allowed for the nomination of representatives to the Electoral College and the meeting of the College at which the election was to be held. The persons who purported to represent Mahasu were in no sense "representatives of the Congress Party in the District"; they were the nominees of the Respondent. This nomination had not been made known to the members of the "Congress Party in the District" or otherwise published. The earliest and the only opportunity which the Petitioner had of challenging the nominations, therefore, was after the election by the so-called Electoral College had been held. The Petitioner presented the Petition very soon after the election was notified in the *Gazette* and has challenged both the nomination of members of the Electoral College as well as the election by the College itself.

In such a case, where there is no properly elected Electoral College the word "elector" must be construed in its general and wider sense as including the ultimate elector of a representative to the Electoral College. Otherwise, a group of pseudo-representatives may form an Electoral College and purport to hold an "election" of a Member to the Constituent Assembly and such

election would not be open to challenge by anyone. If the word "elector" is to be interpreted in the narrow sense as meaning only the members of the so-called Electoral College, it would have the result of leaving without a remedy the persons vitally interested in the election, namely, the members of the "Congress Party in the District" whose representatives were to form the Electoral College. The Petitioner as the President of the Bushahr Congress Committee and a member of the Congress Party in the District is vitally interested in the election of the Member for the Province in the Constituent Assembly. He has, in his Petition challenged the election at both the stages. He is, therefore, an "elector" in the election to which the Petition relates and has clearly *locus standi* to present the Petition. We accordingly decide issues No. (1) and (2) in his favour.

The Learned Consul for the Respondent has referred us to Rule 60 of the Rules of Procedure, which enumerates the cases in which the Credentials Committee can report that the election be declared void. He has urged that even if the Electoral College was not properly constituted, this finding would not be sufficient to bring the case within Rule 60. In our opinion this contention is not sound. In the present case it has been found that two of the four persons who took part in the election were not properly appointed members of the Electoral College; they had no right to take part in the election and their votes were improperly received. This is, therefore, a case of improper reception of votes at the election which has materially affected its result and, clearly, falls within Rule 60.

For the reasons stated above we are of the opinion that the election of the Respondent as Member of the Constituent Assembly for Himachal Pradesh, held on the 29th September, 1948, is vitiated by serious irregularities and cannot be upheld. We, therefore, recommend to the President that the election be declared void.

We also recommend that in the circumstances, the parties be left to bear their own costs. A sum of Rs. 1000/ deposited by the petitioner as security under rule 54 of the Rules of Procedure, Constituent Assembly of India, may be refunded to him.

TEK CHAND

20th August 1949.

B. POCKMUR.

P. K. SEN.

Though I was present at the first hearing of the case, and when the case was opened and documents filed, I could not, for considerations of health, take part in the later proceedings. I have gone through the report, and I agree in the conclusions, and the reasoning of my colleagues.

22nd August 1949.

A. KRISHNASWAMY AYYAR.

ENGLISH TRANSLATION OF THE MINUTE OF DISSENT APPENDED BY SHRI RAM SAHAI TO THE REPORT OF THE CREDENTIALS COMMITTEE IN THE ELECTION PETITION OF SHRI SATYADEV BUSHAHRI *versus* DR. Y. S. PARMAR

The Honourable President of the Constituent Assembly has referred this matter to the Credentials Committee and a report in connection with it will be submitted to him. In this connection I do not agree with the view expressed by other members in regard to the jurisdiction of the Credentials Committee. My conviction is all the more confirmed when I read Sections 53, 56 and 60 together with the letter No. CA/8/Ser/48 sent on behalf of the Honourable President and the telegram dated September 22, 1948 referred to in it and from them I draw the conclusion that so far as the work of the preparation of electoral rolls is concerned, the Credentials Committee cannot interfere in it.

In regard to the electors nominated by the Chief Commissioner it is said that those belonging to Mahasu

District have not been nominated properly. In fact when the Deputy Chief Commissioner, who is acting in accordance with the powers delegated to him by the Chief Commissioner came to know that there was no District Congress Committee in Mahasu District, he asked the President of the P.C.C. to send two names from Mahasu District to be nominated as electors. The President of the P. C. C., who is accidentally the respondent, sent two names. The other members raise two objections in this regard.

(a) They do not accept it to be a proved fact that the Deputy Chief Commissioner asked for two names.

(b) They do not consider this a constitutional procedure too.

So far as the question of not accepting it as a proved fact is concerned, I do not agree with them because firstly the consul of the petitioner has accepted this incident as a real fact. He has used the following words.

“On the other hand what happened was that the Deputy Chief Commissioner and respondent came to an arrangement that the representatives of the Mahasu District be nominated by the Secretary of the *Ad hoc* Committee i.e., P.C.C.”

Together with these words he has referred to respondent's letter dated 26th September 1948 to prove the truthfulness of this fact. When the petitioner has accepted this fact and in its support has referred to the letter of the respondent and the respondent too has accepted that letter in his statement on oath, that is to say when both the parties are in agreement in regard to the same fact, it would not be proper to consider it as disproved fact. It is not necessary to produce further evidence in support of a fact which is accepted by both the parties.

I also feel that since there was no Congress Committee in Mahasu District, the Deputy Chief Commissioner could have done nothing better than to ask the P. C. C., which had sufficient representatives of Mahasu District, to send two names and that he did.

So far as the question of this procedure being constitutional is concerned, I feel, as I have said above, that it is beyond our jurisdiction. It has been said in the letter sent on behalf of the Honourable President also (referred to above) that:

“Chief Commissioner is the sole judge of the *appropriateness* or otherwise of the electoral college”. In the circumstances the Credentials Committee has no authority to raise an objection in regard to an electoral college. Sections 53 and 60 fully support this point of view.

We can say that the Chief Commissioner or the Deputy Chief Commissioner has committed some mistakes in adopting a particular procedure of election but in the absence of detailed rules for guidance, we cannot say that he has acted unconstitutionally. Even if we consider his action as unconstitutional, it cannot come under the jurisdiction of the Credentials Committee.

If the definition of the elector is taken to be as extensive as it has been accepted by other members, it will become necessary to have the whole matter of electoral colleges and electors investigated by the Credentials Committee. Besides, in the provinces and Unions, where Assemblies are functioning, such a definition would mean that the whole matter of electoral colleges and electors should be investigated by the Credentials Committee. Under the present rules we should not give separate definitions of the elector for territories where Assemblies are functioning and for those where they are not functioning.

I submit to the Honourable President that in the light of the aforementioned letter he may see whether it is acceptable that the jurisdiction of the Credentials Committee is so extensive as to enable it to consider the validity of the nomination of electors and the formation of electoral colleges. If he is of the view that this is acceptable, my dissent should have no effect on the judgment of my friends. Otherwise the judgment will have to be different from what it is.

By order,

S. N. MUKERJEE, Joint Secy

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

New Delhi, the 22nd September 1949

No. F. 85-I/49-A.—The Honourable the President of the Constituent Assembly of India, in exercise of the power conferred by sub-section (2) (a) of section 19 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Orders, 1947, is pleased to direct that a session of the Constituent Assembly for discharging its functions as the Dominion Legislature under the Government of India Act, 1935, shall be held at New Delhi on Wednesday, the 5th October, 1949 at 10.45 a.m.

A. J. M. ATKINSON, for Secy.

MINISTRY OF LAW

New Delhi, the 22nd September 1949

No. F. 22-I 49-L.—In pursuance of sub-section (3) of section 1 of the Displaced Persons (Legal Proceedings) Act, 1949 (XXV of 1949), the Central Government is pleased to appoint the fifteenth day of October, 1949, as the date on which the said Act shall come into force in the Chief Commissioner's Province of Coorg.

K. V. K. SUNDARAM, Secy

MINISTRY OF HOME AFFAIRS

New Delhi, the 21st September 1949

No. 9/106/49-Police (I).—In exercise of the powers conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government is pleased to exempt Mr. Krishna Bahadur Adhikari from the operation of the prohibitions contained in section 6 of the said Act in respect of one .38 bore revolver No. D. 6851 and twenty-four .38 bore cartridges.

U. K. GHOSHAL, Dy. Secy.

New Delhi, the 21st September 1949

No. 4/7/49-F.I.—In exercise of the powers conferred by section 3 of the Indian Passport Act, 1920 (XXXIV of 1920), the Central Government is pleased to direct that with effect from the 1st October 1949, the following further amendments shall be made in the Indian Passport Rules, 1921, namely:—

In Rule 5 of the said Rules—

(1) In sub-rule (1)—

(i) for clause (c) the following shall be substituted, namely—

“(c) persons domiciled in India proceeding from any foreign possession in India except the French Establishments of Pondicherry and Karaikal, or the Federation of Malaya, or the Colony of Singapore or Burma;”

(ii) clause (f) shall be omitted; and

(iii) clauses (g) to (l) shall be renumbered as (f) to (k) respectively.

(2) In sub-rule (2) for the word, brackets and letter “clause—(1)”, the word, brackets and letter “clause (k)” shall be substituted.

No. 34/4/49-Public.—In exercise of the powers conferred by sub-section (2) of section 17 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, the Governor-General is pleased to direct that the following further amendment shall be made in the Rule regarding the signing of orders and other instruments made and executed in the name of the Governor-General published with the Notification of the Government of India, in the late Legislative Department (India) (Reforms), No. F. 67/47/R, dated the 19th August 1947, namely:—

In the said Rule, after clause (6), the following new clause shall be added, namely:—

“(7) In the case of orders relating to the Department of Scientific Research, by the Secretary, Department of Scientific Research.”

FATEH SINGH, Dy. Secy.

New Delhi, the 28th September 1949

No. 7/23/49-Ests.—In exercise of the powers conferred by section 241 of the Government of India Act, 1935, the Governor General is pleased to direct that the following further amendment shall be made in the notification of the Government of India in the late Home Department No. F.9/2/33-Ests., dated the 9th January 1934, namely:—

In the Schedule annexed to the said notification under the head "Delhi Administration" after the entries relating to Anaesthetist, Irwin Hospital, New Delhi, the following entries shall be inserted, namely:—

"Deputy Chief Fire Officer, Delhi Fire Service.	Chief Commissioner Delhi.	Chief Commissioner, Delhi.	All"
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S. L. MATHURIA, Asstt. Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 22nd September 1949

No. 347-AWT.—In pursuance of sub-section (2) of section 4 of the Port Haj Committees Act, 1932 (XX of 1932), the Central Government is pleased to nominate Mr. H. P. Hira, Chief Traffic Manager, G. I. P. Railway Bombay, as a member of the Port Haj Committee, Bombay, vice Mr. B. C. Desikachari, transferred

New Delhi, the 23rd September 1949

No. 343-Hajj.—In pursuance of sub-section (5) of section 11 of the Port Haj Committee Act, 1932 (XX of 1932), it is notified for public information that at a meeting held on the 1st August, 1949, the Port Haj Committee, Bombay, elected Haji Hasanally P. Ebrahim, M.L.A. as its Chairman, and that the election of Haji Hasanally P. Ebrahim, M.L.A. as Chairman of the Port Haj Committee has been approved by the Central Government under sub-section (3) of the said section.

S. K. BANERJI, Dy. Secy.

New Delhi, the 23rd September 1949

No. 349-UNI.—The Government of India have declared October 24, 1949 to be the United Nations Day.

I. J. BAHADUR SINGH, Dy. Secy.

MINISTRY OF STATES

New Delhi, the 21st September 1949

No. 210-P.—In exercise of the powers conferred by section 217 of the Government of India Act, 1935, the Governor-General, after communication with the Raj Pramukh of the United State of Rajasthan is pleased to declare the High Court of the said State to be a High Court for the purposes of section 207 of the said Act

A. B. CHATTERJI, Joint Secy.

MINISTRY OF FINANCE

New Delhi, the 21st September 1949

No. D. 2210-F. 111 '49.—Statement of the Affairs of the Reserve Bank of India, as on the 16th September 1949

BANKING DEPARTMENT

LIABILITIES		Rs.	ASSETS		Rs.
Capital paid up		5,00,00,000	Notes		32,66,96,000
Reserve Fund		5,00,00,000	Rupee Coin		11,89,000
Deposits:—			Subsidiary Coin		1,62,000
(a) Government—			Bills Purchased and Discounted:—		
(1) Central Government		143,65,28,000	(a) Internal		59,93,000
(2) Other Governments		17,65,79,000	(b) External		1,51,85,000
(b) Banks		68,65,31,000	(c) Government Treasury Bills		
(c) Others		70,52,53,000	Balances held abroad*		177,06,99,000
Bills Payable		4,75,20,000	Loans and Advances to Governments		5,00,000
Other Liabilities		5,13,60,000	Other Loans and Advances		8,99,44,000
			Investments		94,41,12,000
			Other Assets		2,89,91,000
	Rupees	318,37,71,000		Rupees	318,37,71,000

* Includes Cash and Short term Securities.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 16th day of September 1949

ISSUE DEPARTMENT

LIABILITIES		Rs.	Rs.	ASSETS		Rs.	Rs.
Notes held in the Banking Department		32,66,96,000		A.—Gold Coin and Bullion:—			
Notes in circulation		1,078,96,00,000		(a) Held in India		40,01,71,000	
Total Notes issued		1,111,62,96,000		(b) Held outside India			
				Foreign Securities		600,34,38,000	
				Total of A		640,36,09,000	
				B.—Rupee Coin		52,50,21,000	
				Government of India			
				Rupee Securities		418,76,66,000	
				Internal Bills of Exchange and other Commercial Paper			
Total Liabilities		1,111,62,96,000		Total Assets		1,111,62,96,000	

Ratio of Total of A to Liabilities: 57.606 per cent.

Dated the 22nd day of September 1949.

B. RAMA RAU, Governor.

K. R. K. MENON, Secy.

MINISTRY OF FINANCE (COMMUNICATIONS)

New Delhi, the 16th September 1949

No. D. 5033-CI/49.—The Governor General is pleased to direct that the following further amendments shall be made in the Post Office Insurance Fund Rules, namely:—

1. In the said Rules:—

1. For clause (13) of rule 1 the following shall be substituted, namely:—

(13) 'Deputy Accountant-General' means the Deputy Accountant-General, Postal Life Insurance Calcutta".

2. For clause (7) of rule 2, the following shall be substituted, namely:—

(7) Section writers who are entertained for the purpose of supplementing the regular establishment and the duration of whose appointment is likely to be continuous and who are certified by a Gazetted Officer of the Department or office to which they belong to be eligible, subject to the condition that the certificate shall not be granted to men employed only in an emergency or for any special work likely to last for a short time only. The certificate shall be to the following effect:—

'Certified that although.....is not a permanent employee of Government, and is liable to discharge on a month's notice or summarily in case of misconduct, he is eligible for admission to the Post Office Insurance Fund in pursuance of clause 7 of rule 2 of the Rules of that Fund'.

3. For rules 2-A and 2-B the following shall be substituted namely:—

"2-A. Members of the Defence Services including those holding a short service commission, extended service commission and other kinds of non-permanent commission are also eligible to join the Fund.

Note.—A policy issued to a member of the Defence Services will cover all risks to life taken by the insured in the performance of his duties as a member of the Armed Forces including the risks arising from service on the high seas, risks of war and risks of aviation. The extra premium to cover the extra risks involved in their case will be paid from the Defence Services Estimates.

2-B. Civilian personnel, who have a liability for military service in a combatant capacity or who intend to join military service in such a capacity, are also eligible to join the Fund provided that, in the event of their subsequently proceeding on military service in a combatant capacity, the policies issued to them will hold good only if intimation of their proceeding on military service is given to the Deputy Accountant-General within ninety days of the date of proceeding on such service.

2-C. The following classes of civilian personnel are also eligible to join the Fund:—

(i) Persons who proceed on field service in a non-combatant capacity but retain liens on civil posts provided that they continue to be governed by rules applicable to civil personnel.

(ii) Employees of the Posts and Telegraphs Department who proceed on the field service in a combatant or non-combatant capacity for the purpose of employment in connection with the Army, Navy or Air Force Posts and Telegraph duties but hold liens on civil posts.

Note.—No extra premium is payable in the above cases.

2-D. Notwithstanding anything contained in these Rules, if the death of the life assured should arise, either directly or indirectly, as a result of engaging in aviation otherwise than (a) as a fare-paying passenger in an aircraft authorised to undertake public transport, or (b) as a servant of the Crown in the Royal Indian Navy, Indian Army or in the Royal Indian Air Force, only the surrender value acquired by the policy will be payable under the policy, provided that the surrender value will be paid only if the policy contains a term to this effect and provided further that three years' premia have been paid on the policy and the policy is of not less than three years' duration.

Explanation.—For the purpose of this rule Government servants travelling on duty at the cost of Government will be considered fare-paying passengers.'

4. In rule 3, the words 'exceptions below' shall be omitted.

5. In the Note to rule 15, for the word figure and letter 'rule 2-B' the words figures and letters 'Rule 2-B, 2-C and 2-D' shall be substituted.

6. After rule 15, under the heading 'Manner of effecting an Insurance' and after rule 27, under the heading 'Manner of realising Premia', the following Note shall be inserted, namely:—

"Note.—The procedure to be followed in connection with proposals submitted by Defence Services personnel are given in the appendix to these Rules"

II. For the Appendix to the said Rules the following shall be substituted, namely:—

APPENDIX

Procedure to be followed in connection with proposals submitted by Defence Services Personnel

1. Any member of the Defence Services wishing to insure his life, or to purchase an endowment assurance policy, may obtain the prescribed proposal form from a head or sub-post office or from his unit, ship, establishment or office. It possible, he should answer the questions in the proposal form in his own handwriting. He should submit his proposal to his "immediate superior" i.e.,

(a) in the case of proposers belonging to the Indian Army and serving with units the officer commanding,

(b) in the case of proposers belonging to the Indian Army not serving with units, the immediate superior officer of commissioned or gazetted rank.

(c) in the case of proposers belonging to the Royal Indian Navy, the Commanding Officer of the ship or establishment.

Note.—(1) In the case of base staff at Calcutta or Madras, however, the Resident Naval Officer will be the "Immediate Superior"

(2) In the case of personnel in the U.K. the Royal Indian Navy Liaison Officer will be the "Immediate Superior".

(d) in the case of proposers belonging to the Royal Indian Air Force, the Unit or Station Commander;

Note.—In the case of those not serving with units, the "Immediate Superior" will be the immediate superior officer of commissioned or gazetted rank

2. The "immediate superior" will read and explain the proposal to the proposer and obtain his signature (left hand thumb impression, if the proposer is unable to sign) in his presence and sign the prescribed certificate on the proposal form.

3. The "immediate superior" should prepare in his own office, if possible, or obtain from the officer maintaining the records, a certified copy of the descriptive particulars of the proposer contained in the following records

(a) in the case of commissioned officers of the Indian Army, Record of Service (I A.F.Z.-2041);

(b) in the case of officers of the Royal Indian Navy holding permanent Commissions, Service Register;

(c) in the case of other officers of the Royal Indian Navy, Officers History Sheet,

(d) in the case of Officers of the Royal Indian Air Force, Record of Particulars (Form P. 20);

(e) in the case of "other ranks" including J. C. O's, W. O's, N. C. O's, Soldiers and N. C.'s (R) of the Indian Army and "Airmen" of the Royal Indian Air Force, Sheet Roll, and

(f) in the case of ratings of the Royal Indian Navy, Service Documents (Form S. 459).

The "immediate superior" should obtain the proposer's signature (left hand thumb impression if he is unable to

sign) on this certified copy in his own presence then attach it to the proposal.

Note—For convenience, particulars of the officers responsible for the maintenance of these records are given below—

(i) Army—

- (1) Officers (other than medical) —
Officer in Charge, Central Record Office, Jhansi
- (2) Officers (medical) —Medical Personnel Record Section,
Medical Directorate, Army HQ (J)
- (3) J.C.O.'s, W.O.'s, O.R.'s, N.C.'s (E) —
Officer in Charge, Records, Regiment/Corps

(ii) Navy—

- (1) Officer —Naval Headquarters
- (2) Ratings — Captain, R.I.N. Barracks, and Commanding Officer of ship or establishment during the time a rating is borne on the books of that ship or establishment.

(iii) Air Force—

- (1) Officers —Director of Personnel, Air Headquarters, New Delhi
- (2) Airmen — R.I.A.F. Record Office, New Delhi.

4 The certified copy of descriptive particulars should contain the following information—

- (a) Full name.
- (b) Father's name
- (c) Place of birth.
- (d) Date of birth

Note—If in any of the documents referred to in paragraph 4 the date of birth is not noted but instead the age on any particular date, say the date of recruitment is noted, the date of birth should be determined on the basis of this record. In such a case a suitable note should be made in the certified copy of the descriptive particulars after the entry of the date of birth as thus calculated.

- (e) Identification mark (at least two).
- (f) Rank/rating; Parent arm/Corps; present unit/ship, appointment, personal/official number.
- (g) If commissioned, type of commission, i.e., permanent, short service, extended service, etc.,
- (h) Particulars of the Officer maintaining the proposer's pay accounts,
- (i) Particulars of the officer who will accept debit for the premia recoverable from the insured as well as from the Defence Services Estimates

5 In the case of members of the Defence Services personnel, the "immediate superior" will also discharge the duties prescribed for "Principal District Officer" in the case of civilian proposers. References to the "Principal District Officer" in the following paragraphs are therefore to be taken as references to the same officers as are mentioned in para 2.

6. The "Principal District Officer" will carefully scrutinize the proposal and the certified copy of descriptive particulars with special reference to the admissibility of the terms of the proposal, and if it is found that the life of the proposer was on any previous occasion rejected on medical grounds, either by the Post Office Insurance Fund or by a private insurance company, or the proposer had even been found medically unfit for any particular type of duties the medical opinion should, if possible, be obtained by the Principal District Officer and forwarded with the proposal form to the medical officer to whom the proposer is sent for medical examination; otherwise the attention of the medical officer should be specially drawn to the entries to that effect made against the relative questions by the proposer in the proposal form.

7 The Principal District Officer should compare the entry regarding the proposer's age as entered in the proposal form with the corresponding entry in the certified copy of descriptive particulars and if there is any discrepancy he should take immediate steps to have it reconciled. If necessary he will obtain from other officials of the branch to which the proposer belongs or from the officials of any other branch or department under whom the proposer may have served or from the persons named in the proposal or from any other source, information regarding the proposer's age.

8 The Principal District Officer will then sign the proposal form at the prescribed place and forward the pro-

posal with the attached documents, in a registered envelope to a medical officer as prescribed below:—

(i) Army:

- (a) Commissioned medical officer in the case of units.
- (b) Officer Commanding nearest Military Hospital in the case of those in extra-regimental employment

(ii) Navy—Commissioned Medical Officer of the Royal Indian Navy attached to the ship or establishment; in the absence of any such Commissioned Medical Officer, a Commissioned Medical Officer of the nearest Indian Army or Royal Indian Air Force Unit, or Officer Commanding Military Hospital.

(iii) Air Force—Commissioned Medical Officer of the Royal Indian Air Force; in the absence of any such Commissioned Medical Officer, a Commissioned Medical Officer of the nearest Indian Army unit or of the Royal Indian Navy or Officer Commanding Military Hospital.

9. After the proposal has been sent to the medical officer, the proposer's immediate superior will direct the proposer to present himself (with his identity card) for examination by the medical officer without delay.

10 After checking the proposer's identity with reference to his card, the medical officer will examine him and require him to answer such inquiries regarding his health as he may think fit to make. He will sign the medical certificate and obtain the proposer's signature (or left hand thumb-impression, if the proposer is unable to sign) to the declaration on the form of proposal. He will then send the proposal with all the connected documents, in a registered envelope to the Postmaster General (or Director of Posts & Telegraphs) and inform the immediate superior of the proposer of the recommendation made.

Note 1—The medical officer will receive a fixed fee of Rs. 4 for the medical examination from the Post Office Insurance Fund

Note 2—If a proposal is received from a person whose life has been previously rejected, it must be accompanied by the amount of the medical officer's fee for credit to the Post Office Insurance Fund. If the proposal is accepted the amount of the fee will be refunded, on application, to the proposer.

11. The Postmaster-General will take action as laid down in Rule 22 of the Rules relating to Postal Life Insurance and Endowment Assurance. The only particulars in which special treatment is needed are given below:—

(i) The following particulars should be noted on the intimations of acceptance relating to Defence Services personnel.—

- (a) Service—to which Service the proposer belongs, Indian Army, or Royal Indian Navy, or Royal Indian Air Force;
- (b) (i) Rank/rating, parent arm/corps, present unit/ship appointment, personal/official number;
- (ii) If commissioned, nature of commission i.e., permanent, short service, extended service, etc.;
- (c) If the proposer belongs to the Navy, whether he belongs to the Naval Aviation Branch;
- (d) If he belongs to the Air Force, whether he is on (i) ground duty, (ii) staff and administrative duty, or (iii) flying duty (i.e., air crew);
- (e) If he belongs to the air crew of the Air Force or the Naval Aviation Branch (i) nature of his duties (i.e. pilot etc.) and (ii) whether he is on training or whether has successfully completed his training;
- (f) Whether he belongs to a para-brigade;
- (g) Whether the proposer has been placed in medical category "C" Permanent;
- (h) Particulars of the officer maintaining the proposer's pay accounts;
- (i) Particulars of the officer who will accept debit for the premia recoverable from the insured as well as from the Defence Services Estimates.

(2) Where there is no ordinary or base or field post office within the convenient reach of a proposer belonging to the Defence Services Estimates he is allowed to pay the first premium in cash into the imprest account of his ship or unit. In case the circumstances in which the proposer is

discharging his duties as a member of the Defence Services, are such that even this is not possible, he is permitted to authorise the officer responsible for maintaining his pay accounts to recover the premium from his pay or from any other sums due to him by Government. In cases of this nature the Postmaster General will inform the Deputy Accountant General of the mode of recovery of the first premium, the letter of authority being also forwarded to him.

12 On receipt of the Intimation of Acceptance from the Postmaster General, the D.A.G., Calcutta, will direct the proposer to deposit the first premium as laid down in rule 23 of the Rules relating to Postal Life Insurance and Endowment Assurance. The Deputy Accountant General should impress upon the proposer the necessity of paying the first premium into the post office or the imprest account of the ship or Unit within 60 days counting from the date following the date of acceptance by the Postmaster General. If the next birthday of the proposer falls within the said period of 60 days, the Deputy Accountant General should communicate the lower and the higher rates of premium and the time limits applicable in either case (*viz.* the lower rate of premium if paid before the next birthday and the higher rate of premium if paid on or after that date but before the expiry of 60 days after the date of acceptance of the proposal by the Postmaster General).

Where the proposer has authorised the officer responsible for the maintenance of his pay accounts to recover the first premium by deduction from his pay and allowances, this should not be left over to be made in the earnings of a month. On receipt of the letter of authority from the proposer through the D.A.G., the officer responsible for maintaining the pay accounts should, where necessary, treat the amount of the first premium as an advance of pay given to the proposer and simultaneously show it as credited to Government by way of recovery of the first premium. The contract of insurance with the proposer will take effect from the date of payment of the first premium into a post office or into the imprest account of the ship or unit or by recovery from pay. The postmaster (including base and field postmaster), the holder of the imprest account or the officer recovering the first premium from pay should send an immediate report in the prescribed form (AGPT 103(a)) to the D.A.G. as soon as the first premium is paid. On receipt of the intimation of the payment of the first premium either from the post office or from the imprest holder or from the officer maintaining the pay accounts as the case may be, the Deputy Accountant-General will arrange for the issue and delivery of the policy in the usual way. In all cases the officers maintaining the pay accounts will be instructed by the D.A.G. to recover the second and subsequent premia as a standing arrangement.

Note 1—Payment of the first premium should not be accepted by a postmaster or holder of imprest account if he knows that the person tendering it is at the time no longer eligible for admission to the benefits of the Postal Life Insurance Fund. In similar circumstances the Officer responsible for maintaining the pay accounts should not effect recovery of the first premium from pay etc. In such a case intimation of the fact should be given to the Deputy Accountant General.

Note 2—On the date of payment of the first premium the insurant should produce a certificate from the Head of the Office that the latter saw the insurant in good health on that date. In the absence of such certificate the premium should not be accepted by the Postmaster or the holder of imprest account. A proposer on leave may however produce the required certificate from any gazetted or commissioned officer. When the proposer himself is a gazetted or commissioned officer or the Head of an office his own declaration may be accepted.

In the case of proposer paying his first premium by deduction from his pay, the officer effecting the recovery will immediately write to the proposer's head of the office to send the required certificate direct to the Deputy Accountant General. This certificate should, in such cases, relate to a date within 60 days counting from the date following the date of acceptance of the proposal by the Postmaster General. The Proposer should be informed of the action taken and the officer making the recovery should clearly inform him that no policy will be issued until the certificate is received by the Deputy Accountant General.

Note 3—The first premium paid in cash is treated as premium for that month irrespective of the actual date of payment. Second and subsequent premium are recoverable from the pay bill for the month immediately preceding the month for which the premium is due. For example, if the first premium is paid in cash by the insurant on the 31st December, it will be regarded as the premium for December and the second premium *i.e.*, premium for January next year will have to be deducted from the pay for December paid on the 1st January. If for any reason the premium for a particular month is not deducted from the pay bill of the insurant, he should pay the amount in cash either into a Post Office or into the Unit's Imprest Account on or before the 21st day of that month.

13 Where the first premium is paid into a post office the D.A.G. will send the policy to the postmaster who will deliver it to the insured person and obtain the latter's signature on the receipt which accompanies it. This receipt should then be returned to the D.A.G. In other cases the D.A.G. should, after getting intimation that the first premium has been paid into the imprest account of the ship or unit or has been recovered by the officer maintaining the pay accounts, send the policy to the "immediate superior" or the proposer for delivery, to the insured person. The immediate superior should obtain the latter's signature on the receipt which accompanies it and return it to the Deputy Accountant General.

14 By the 20th of the month preceding that to which the recoveries relate the Deputy Accountant General will send to the Controllers of Military Accounts, advance schedules showing particulars of the insurants and the amount of premia recoverable from each by deduction from his pay bills. Particulars of premia deposited in cash into the Unit imprest accounts will be shown by the Military Accounts Officers concerned in a separate section of the schedule *vide* Note 3 to para 12 of this Appendix. Duplicate copies of the schedule will also be forwarded by the Deputy Accountant General direct to the officers actually maintaining the pay accounts as shown below:—

Controller with whom accounts should be exchanged	Officers maintaining pay accounts
1. <i>Royal Indian Navy.</i> Controller of Naval Accounts Bombay	Supply officers-in-charge Royal Indian Navy Pay Office, Bombay
2. <i>Royal Indian Air Force.</i> Controller of Accounts Air Force, Dehra Dun	Officers in charge Royal Indian Air Force, Central Account- ing Office, New Delhi.
3. <i>Indian Army.</i>	
(a) Field Controller, of Military Accounts, Poona (for offi- cers only)	Field Controller of Military Accounts, Poona (for Offi- cers only)
(b) Field Controller of Military Accounts, Ambala (for other ranks)	Officers in charge of Fd. Pay Offices

15 The Officer maintaining pay accounts should examine the schedule received from the Deputy Accountant General, with a view to seeing that the amounts shown as recoverable by the Deputy Accountant General have actually been recovered and send the same to the Controller concerned after noting thereon any addition or alteration that may be found necessary on the basis of the initial pay accounts maintained by him. Reasons for additions or alterations (due to death, discharge, transfer, new inclusions, etc.) should also be noted.

R. NARAYANASWAMI, Joint Secy

MINISTRY OF FINANCE (REVENUE DIVISION)

STAMPS

New Delhi, the 24th September 1949

No. 11.—In exercise of the powers conferred by clause (a) of section 9 of the Indian Stamp Act, 1899 (II of 1899), the Central Government is pleased to remit retrospectively the stamp duty charged on the sale deed dated the 20th August 1949 executed in favour of the Embassy of the United States of America in India in respect of the house property situated at No. 5, Aurangzeb Road, New Delhi.

D. P. ANAND, Dy. Secy

MINISTRY OF COMMERCE

CENTRAL TEA BOARD

New Delhi, the 1st October 1949

No. 309(14)-Ft.(Tea)/49.—In pursuance of section 4 of the Central Tea Board Act, 1949 (XIII of 1949) the Central Government is pleased to notify that the Government of the United State of Travancore and Cochin has nominated Sri V. Kunjukrishnan, Secretary to the Government of the United State of Travancore and Cochin, Development Department, as a member of the Central Tea Board *vice* Sri B. V. K. Menon

2. Sri V. Kunjukrishnan shall hold office for a term of three years with effect from the date of this notification.

S. K. BANERJI, Dy. Secy.

MERCHANT SHIPPING

New Delhi, the 1st October 1949

No. 11-M.I.(3)/48.—In exercise of the powers conferred by the sections of the Indian Merchant Shipping Act, 1923 (XXI of 1923), specified in the first column of the Schedule hereto annexed, the Central Government is pleased to direct that the notifications of the Government of India in the late Department of Commerce specified in the second column of the said Schedule shall be amended to the extent and in the manner specified in the corresponding entry in the third column thereof

SCHEDULE

Sections of the Act	No. and date of Notification	An amendment
(1)	(2)	(3)
Sub-section (1) of section 7.	No. 5 M.II. (3)/31, dated the 24th October 1931.	In the Schedule annexed to the notification, for the entry in the second column relating to "Vizagapatam", the following entry shall be substituted, namely:— "The Assistant Shipping Master, Vizagapatam".
Sub-section (1) of section 71.	No. 5-M.II (3)/31, dated the 24th October 1931.	
Sub-section (1) of sections 72 and 81.	No. 5-M.II(2)/31, dated the 22nd August 1931.	
Sub-section (2) of section 74.	No. 5 M.II(2)/31, dated the 3rd October 1931.	In the Schedule annexed to the notification, for the entry in the second column relating to "Vizagapatam", the following entry shall be substituted, namely:— "The Assistant Shipping Master, Vizagapatam".
Sub-section (1) of sections 116 and 119.	No. 5-M.II(3)/31, dated the 24th October 1931.	
Sub-section (1) of section 151.	No. 56-M.I. (8)/30, dated the 8th November 1930.	
Clause (f) of section 155.	No. 56 M.I. (9)/30, dated the 8th November 1930.	
Sub-section (2) of section 187.	No. 56 M.I (3)/30 dated the 30th August 1930.	
Section 178	No. 56 M.I. (10)/30, dated the 20th December 1930.	
Section 170.	No. 56-M.I (4)/30, dated the 1st November 1930.	In the Schedule 'A' annexed to the notification, for the entry in the second column relating to "Vizagapatam", the following entry shall be substituted, namely:— "The Assistant Shipping Master, Vizagapatam".

1	2	4
Section 214.	No. 108-M.I (2)/30, dated, the 28th February 1931.	In the Schedule annexed to the notification for the entry in the second column relating to "Vizagapatam" the following entry shall be substituted, namely:— "Deputy Port Conservator".
Sub-sections (1) and (2) of section 232.	No. 99 M.I (2) /29, dated the 23rd August 1930.	
Sub-section (3) of section 246.	No. 70 M.I. (36) /29, dated the 18th November 1933.	

H. C. SARIN, Dy. Secy.

MINISTRY OF INDUSTRY AND SUPPLY

New Delhi, the 26th September 1949

No. 308-PA(134)/49.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the following further amendment shall be made in the Paper Price Control Order, 1945, namely:—

In Schedule II appended to the said Order, to the entries under the heading "Bihar and Orissa", the entry "Sumbalpur" shall be added.

K. RAM, Dy. Secy.

Bombay, the 1st October 1949

No. 17-Tex. I/49.—In exercise of the powers conferred upon me by clause 7 of the Cotton Cloth and Yarn (Transmission by Post) Prohibition Order 1948, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 103/1-TA/46(ii) dated the 1st October 1946, namely:—

In the schedule appended to the said notification after item No. 15 the following shall be added, namely:—

"16. All inland postal articles containing Cotton string, cotton twine sewing thread (finished) and embroidery thread (finished) on spools or reels or in the form of balls, tubes and skeins, bid binding thread balls, and thread for use as sacred thread."

No. 17/2-Tex. 2/49.—In exercise of the powers conferred on me by clause 11 of the Government Contractor's (Disposal of Cotton Textiles Unused Material and Rejected Stores) Order, 1949, in supersession of the notification of the Textile Commissioner No. 17/2 Tex. 2-49(ii) the 29th January, 1949 and with the sanction of the Central Government, I hereby authorise the principal officer appointed by each Provincial Government for the administration of the Textile Control to discharge on my behalf the function under clause 9(1) of the said Order to specify in relation to sales made within his jurisdiction by dealers the maximum wholesale and retail prices of cloth or yarn to which the said order applies; provided that the maximum retail price shall not exceed the amount of the excise duty if any levied under the Central Excises and Salt Act, 1944 (I of 1944) and the amount of the Sales Tax if any levied by any other Provincial or State Government *plus* in the case of cloth 20 per cent. and in the case of yarn 15 per cent. over the maximum ex-factory price.

No. 17/2-Tex. 2/49(i).—In exercise of the powers conferred on me by sub-clause (2) of clause 9 of the Government Contractors (Disposal of Cotton Textiles unused Material and Rejected Stores) Order, 1949, I hereby direct that the following amendment shall be made in the Textile Commissioner's Notification No. 17/2-Tex. 2/49(iii) dated the 29th January, 1949, namely:—

In the said notification, in the first paragraph, item (d) shall be deleted and the following item shall be substituted therefor, namely:—

"(d) The word "EXCISE" and the amount of the excise duty levied under the Central Excises and Salt Act, 1944, (I of 1944)."

T. P. BARAT, Textile Commr.

New Delhi, the 1st October 1949

No. 15-Tex I/49.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the following further amendment shall be made in the Cotton Textiles (Control of Movement) Order, 1948, namely:—

In the said Order in clause 3 after the words "Inland navigation" the words "from any place in India to any other place therein" shall be inserted.

K. SEN, Joint Secy.

New Delhi, the 1st October 1949

No. I(1)-4(32).—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the following amendments shall be made in the Iron and Steel (Control of Production and Distribution) Order, 1941, namely:—

In the said Order—

- (1) sub-clause (c) of clause 11(2) shall be omitted
- (2) after clause 11C, the following clause shall be inserted, namely:—

"11D. Powers of the Controller.—The Controller may, with a view to securing compliance with this Order,—

(a) require any person to give such information in his possession with respect to any business carried on by that or any other person;

(b) inspect or cause to be inspected any books or other documents belonging to or under the control of any person;

(c) enter and search, or authorise any person to enter and search, any premises and seize or authorise any person to seize any article in respect of which he has reason to believe that a contravention of this Order has been or being or is about to be committed, and any other article in the premises which he has reason to believe has been or is intended to be used in connection with such contravention."

No. I(1)-4(32)A.—In exercise of the powers conferred by sub-clause (a) of clause 2 of the Iron and Steel (Control of Production and Distribution) Order, 1941, the Central Government is pleased to authorise every officer in the Directorate of Enforcement, Ministry of Industry and Supply, not below the rank of an Enforcement Officer, to exercise the powers of the Controller under clause 11D of the said Order.

C. R. NATESAN, Dy. Secy.

COFFEE CONTROL

New Delhi, the 20th September 1949

No. 11(2)-I(6)/49.—The following statement of accounts of the Indian Coffee Board for the period from 1st July 1947 to 30th June 1948 is published in the *Gazette of India* in accordance with sub-rule (3) of rule 20 of the Coffee Market Expansion Rules 1940:—

INDIAN COFFEE BOARD

Abstract statement of Receipts and Expenditure for the period from 1st July 1947 to 30th June 1948 General Fund [Including General Fund No. 1 Account General Fund (Propagandas)].

Income			Expenditure		
	Rs.	A. P.		Rs.	A. P.
Opening Balances:—					
General Fund No. 1 Account	20,65,063	0 1	Administration of the Board		49,963 9 0
General Fund (Propaganda)	6,35,469	3 2	Measures taken for promoting the cultivation and Manufacture of Indian Coffee		..
Monies received under—			Measure taken for promoting the sale and increasing the consumption in India and elsewhere of Indian Coffee		99,790 7 2 2
Section 11 of the Act		18,513 6 0	Measures taken for promoting Agricultural and Technological Research in the interest of Coffee Industry in India		3,00,984 10 1
Monies received under—			Miscellaneous		..
Section 12 of the Act		2,50,000 0 0	Closing Balances—		
Fees realised on account of Licences			General Fund No. 1 Account	19,51,412	1 3
Miscellaneous Receipts—			General Fund (Propaganda)	7,30,091	1 2
General Fund No. 1 Account	86,084	2 3			26,81,503 2 5
General Fund (Propaganda)	4,412	5 2			
Interest on Investments		72,699 6 0			
Total		31,32,241 12 8	Total		31,32,241 12 8

Bangalore, 12th May 1949

We have verified the above statement of Account of the Indian Coffee Board (General Fund) for the period, from 1st July 1947 to 30th June 1948 with the books and vouchers of the Board.

We report that we have obtained all the information and explanations we have required and certify that the above statement is a correct Abstract of the figures appearing in the books of the Board.

FRASER and ROSS,
Registered Accountants.

M. P. APPU MENON,
Secretary, Indian Coffee Board.

P. S. SUNDARAM, Under Secy

MINISTRY OF AGRICULTURE*New Delhi, the 1st October 1949*

No. 5-VP(2)/49.—In pursuance of the powers conferred by sub-clause (1) of clause 5 of the Vegetable Oil Products Control Order, 1947, the Vegetable Oil Products Controller for India is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Ministry of Agriculture No. 5-VP(2)/49, dated the 30th July 1949, namely:—

In the said Notification in sub-clause (1) of clause 1 after the words 'by the producer', the words 'or any dealer' shall be inserted.

N. T. MONE,

Vegetable Oil Products Controller for India.

MINISTRY OF EDUCATION

EDUCATION

New Delhi, the 13th September 1949

In the matter of the Charitable Endowments Act, 1890, and in the matter of the Indian Institute of Science, Bangalore.

No. F. 8-35/47-T.1.—Upon the application of the Council of the Indian Institute of Science, Bangalore, and of the Board of Management of the said Institute, being the persons acting in the administration of the Trust, and in pursuance and exercise of the powers conferred by section 5 of the Charitable Endowments Act, 1890 (Act VI of 1890), the Central Government, with the concurrence of the said Council and the said Board of Management, is pleased to declare that the Scheme for the administration and management of the properties and funds of the Indian Institute of Science, Bangalore, settled under sections 5 and 7 of the said Act and set forth in Schedule H to the Vesting Order made on the 27th May 1909, in the above-mentioned matters in pursuance of sections 4 and 7 of the aforesaid Act, and as modified by Notification No. 1-10(T) of the Government of India in the Department of Industries and Labour, dated the 12th February 1926 and Notifications Nos. F.53-1/33 and F.53-6/37 E of the Government of India in the Department of Education, Health and Lands, dated the 21st September 1933, and the 25th November 1937, respectively, as substituted by Notification No. F.53-1/37 of the Government of India in the Department of Education, Health and Lands, dated the 2nd December 1937, and as subsequently amended shall stand further modified as set forth in the schedule annexed herewith and that this modification shall have effect as from the 15th day of August 1947.

SCHEDULE*Regulations:*

For the word "India" occurring in the Regulations and By-laws, substitute the words "Dominion of India".

Regulation 8—

For the words "the Viceroy of India" substitute the words "the Governor-General of the Dominion of India".

Regulation 9—

Secondly (b).—For the words "the Tata Family" substitute the words "the Trustees for the time being of the public charity created by the late Sir Dorab Tata, known as the Sir Dorabji Tata Trust and the Trustees for the time being of the public charity created by the late Sir Ratan Tata, known as the Sir Ratan Tata Charities".

Thirdly—Substitute the following for the existing clause—

"*Thirdly*—One nominee of each of the Provincial Governments, viz. Madras, Bombay, Western Bengal, the United Provinces, the Eastern Punjab, the Central Provinces, Bihar, Assam and Orissa."

Regulation 11—

Sixthly—For sub-clauses (1), (3) and (4) substitute the following.—

(1) The North-Western Group, including the Province of Bombay, the Eastern Punjab and Delhi.

(3) The North-Eastern Group, including Western Bengal, Bihar, Assam and Orissa.

(4) The Southern Group, including the Province of Madras and the adjoining Indian States including Mysore, Hyderabad and Travancore."

Regulation 12—

(d)—For the words "The Tata family" substitute the words "the Trustees for the time being of the public charity created by the late Sir Dorab Tata, known as the Sir Dorabji Tata Trust and the Trustees for the time being of the public charity created by the late Sir Ratan Tata, known as the Sir Ratan Tata Charities".

Regulation 30—

Delete the words "Committee of Reference and" occurring in this clause

Regulation 38—

For the words "the Governments of Madras, Bombay, Bengal, the United Provinces, the Punjab, the Central Provinces, Bihar, Orissa, Assam, the N.W.F.P. and Sind, the Government of His Exalted Highness the Nizam of Hyderabad, the Government of His Highness the Maharaja of Mysore" substitute the words "the Government of Madras, Bombay, Western Bengal, the United Provinces, the Eastern Punjab, the Central Provinces, Bihar, Orissa and Assam, the Government of His Exalted Highness the Nizam of Hyderabad, the Government of His Highness the Maharaja of Mysore, the Government of H. H. the Maharaja of Travancore."

Regulation 39—

Delete sub-clause (b) under clause (ii) and re-number sub-clause (c) as clause (b). Also delete the words "from the Royal Society or" occurring in the second paragraph of clause (ii) of the Regulation.

Regulation 46—

Substitute the following for the existing Regulation.—

"None of the provisions of this Scheme shall at any time hereafter be added to, altered or varied without the joint consent of the Trustees for the time being of the public charity created by the late Sir Dorab Tata, known as the Sir Dorabji Tata Trust and the Trustees for the time being of the public charity created by the late Sir Ratan Tata, known as the Sir Ratan Tata Charities."

HUMAYUN KABIR, Joint Secy.

ARCHAEOLOGY*New Delhi, the 22nd September 1949*

No. D.1137/49-A2.—As required by rule 2 of the rules published with the notification of the Government of India in the Late Department of Education, Health and Lands No. F. 41-1/33, dated the 13th September 1934, as amended from time to time the Central Government hereby gives notice of its intention to make the following notification in exercise of the powers conferred by section 20 of the Ancient Monuments Preservation Act 1904 (VII of 1904) for the information of all persons likely to be affected thereby. Any person who objects to the proposed notification may forward to the Collector of the Nellore District a statement of the grounds of his objection within one month of the date on which the Collector causes a public notice of the said notification to be exhibited on or near the area in question.

Draft Notification

In exercise of the powers conferred by sub-section (1) of section 20 of the Ancient Monuments Preservation Act, 1904 (VII of 1904), the Central Government is pleased to declare the following area to be a protected area, namely—

The mound known as 'Bodipati Dibba' in Varini Village, Ramathirtham Hamlet, Kovur Taluk, in Nellore District, Madras comprising the plot in the annexed schedule.

SCHEDULE

Name of Monument	District and town or village in which situate	Survey No	Extent	Owners	Boundaries
1	2	3	4	5	6
Mound known as 'Bodipati Dibba'.	Varini Village Bamathirtham Hamlet, Kovur Taluk, District Nellore.	Portions of S Nos. 896 and 897- Patta lands	10 acres 91 cents	1. M. Amuloor Chenahuramreddy 2. Mr. Bezvada Ramachandra reddy. 3. Mr. Kotamreddi Pattabhiramareddy. 4. Mr. Puchalapalli Panchalureddy. 5. Mr. Navalur Singavva 6. Mr. Puchalapalli Ramachaudireddy.	East—S No 895 Patta Pasture land. South.—Portions of S. Nos. 896 and 897-Pasture Patta Lands. West.—S. No. 890/2-Pasture Patta Land. North—S. No. 851/B Upputuru (River) Poramboke.

New Delhi, the 21st September 1949

Explanation:

No. F. 3-68/47-A.2.—The Minister for Education to the Government of Travancore and Cochin has been nominated to serve as a member of the Central Advisory Board of Archaeology reconstituted under this Minister's notification No. F. 3 68/47-A.2, dated the 21st January, 1949.

RAM LAL, Under Secy

MINISTRY OF RAILWAYS
(Railway Board)

New Delhi, the 21st September 1949

No. 6248-W.—It is hereby notified, for general information that the Government Inspector of Railways, Circle No. 3, Bangalore, having inspected the Himayalnagar-Dhanora Section of Mudkhed-Adilabad Branch, H.E.H. the Nizam's State Railway, a length of 18.86 miles on the metre gauge, certified it as fit for opening for the public carriage of passengers with effect from 22nd July 1949.

The Railway Board after considering the report of the Government Inspector of Railways, have confirmed his action.

New Delhi, the 22nd September 1949 ✓

No. F.(X)II-48/TX17/14.—In pursuance of sub-section (1) of section 2 of the Railways (Local Authorities' Taxation) Act, 1941 (XXV of 1941), the Central Government is pleased to declare that the Administration of the Madras and Southern Mahratta Railway shall be liable to pay in aid of the funds of the local authorities specified in column I of the Schedule annexed hereto the taxes specified in column II thereof.

SCHEDULE

Local Authority I	Taxes II
1. Vijayawada Municipality	General property tax Water and drainage tax Education tax.
2. Kakinada Municipality	General property tax Water and drainage tax
3. Arkonam Panchayat Board	House tax.
4. Renigunta Panchayat Board	House tax.
5. Bhimavarum Panchayat Board	House tax.
6. Attili Panchayat Board	House tax.
7. Chinnaganjam Panchayat Board	House tax.

In this schedule (i) General property tax means so much of the property tax levied under clause (a) of sub-section (1) of section 81 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), as comprising a tax for general purposes, (ii) Water and Drainage tax means so much of the property tax as is levied in accordance with clause (b) of the said sub-section and (iii) Education tax is the tax levied as a surcharge on property tax in accordance with section 34 of the Madras Elementary Education Act, 1920 (Madras Act VIII of 1920), House tax means the house tax levied under section 98 of the Madras Local Boards Act 1920 (Madras Act XIV of 1920).

No. F. (X)II-48/TX17-14-I.—In exercise of the powers conferred by section 4 of the Railways (Local Authorities' Taxation) Act, 1941 (XXV of 1941), the Central Government is pleased to revoke the notification of the Government of India in the late Railway Department (Railway Board) No. 010-F. dated the 23rd April 1936.

No. F. (X)II-48/TX17/14-II.—In pursuance of sub-section (1) of section 3 of the Railways (Local Authorities' Taxation) Act, 1941 (XXV of 1941) the Central Government is pleased to declare that the Administration of the South Indian Railway shall be liable to pay, in aid of the funds of the local authority set out in column I of the Schedule annexed hereto the tax specified in column II thereof.

SCHEDULE

Local Authority I	Tax II
Mayavaram Municipality	Lighting tax.

No. F(X)II-48/TX17/14.—In exercise of the powers conferred by section 4 of the Railways (Local Authorities' Taxation) Act, 1941 (XXV of 1941), the Central Government is pleased to revoke the notifications of the Government of India in the late Railway Department (Railway Board) specified in column II of the Schedule hereto annexed in so far as they relate to the liability of the Administration of the Madras and Southern Mahratta Railway to pay in aid of the funds of the local authorities specified in the corresponding entries in column I, the taxes specified in the corresponding entries in column III thereof

SCHEDULE		
Local Authority	Notifications of the Government of India in the late Railway Department (Railway Board)	Taxes
I	II	III
1 Bezvada Municipality	No. 3672 Z F, dated 14th February 1929	General property and water and drainage tax
	No. 8079 F, dated 14th March 1933	Education tax
2 Cocanda Municipality	No. 3672 Z F, dated 14th February 1929	General property and water and drainage tax
3 Arkonam Panchayat Board	No. 5831 F 3, dated 8th May 1930	House tax
4 Remguntla Panchayat Board	No. 5831 F 3, dated 8th May 1930	House tax
5 Bhuvanagiri Panchayat Board	No. 5723-F, dated 18th December 1930 and No. 5723-F, dated 20th January 1931	House tax
6 Attih Panchayat Board	No. 8100-F, dated 3rd February 1932	House tax
7 Chinnaganjam Panchayat Board	No. 9752 F, dated 18th July 1935	House tax

S. S. RAMASUBBAN, Secy

MINISTRY OF COMMUNICATIONS

POSTS AND TELEGRAPHS

New Delhi, the 23rd September 1949

No. PHA-48-3/47.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885) and in supersession of the notification of the Government of India in the Ministry of Communications No. PHA 48 3 47, dated the 18th July, 1949 the Central Government is pleased to direct that with effect from the 10th October, 1949 the following amendment shall be made in the Indian Telegraph Rules, 1932, namely—

In rule 102 of the said rules in the first column of the table set forth in sub-rule (1) in item 11 for the word Delhi the words Avenue, Lohman Manual, Old Secretariat and Cantonment Exchanges in Delhi shall be substituted

No. PHA-48-3/47. In exercise of the powers conferred by sub-rule (5) of rule 452 of the Indian Telegraph Rules 1932 and in supersession of the notification of the Government of India in the Ministry of Communications No. PHA 48 3 47 dated the 18th July 1949 the Central Government is pleased to specify the 10th October 1949 as the date with effect from which the Message rate system shall be introduced in all exchanges in Delhi and New Delhi except the following namely—

Avenue, Lohman Manual, Old Secretariat and Cantonment exchanges

K. V. VENKATACHALAM Dy. Secy

the following further amendments shall be made in the Indian Aircraft Rules 1937 the same having been published as required by section 14 of the said Act, namely—

In the said Rules—

1 For sub-rule (IA) of rule 1, the following shall be substituted, namely

‘(IA) They extend to the whole of India’

2 In rules other than sub-rule (IA) of rule 1 for the words ‘the Provinces of India’, wherever they occur, the word India shall be substituted

3 In clause (c) of rule 8 for the words and figures subject to the provisions of the Indian Arms Act, 1878, and the rules made thereunder, the words and figures subject to the provisions of the Indian Arms Act, 1878, and the rules made thereunder in case of the Provinces of India, and the corresponding law in force in the Acceding States in case of such States shall be substituted

ORDER

New Delhi the 22nd September 1949

No. 10-A 5-49 In exercise of the powers conferred by rule 160 of the Indian Aircraft Rules, 1937, the Central Government is pleased to exempt with effect from 1st April, 1949 the Dakota type of aircraft from the operation of sub-rule (2) of rule 82 of the said rules in respect of the payment of landing and housing charges subject to the condition that the charges for such aircraft shall be leviable in accordance with the provisions contained in the table in paragraph 1 of Section B of Schedule V to the said Rules, as if the total weight of such aircraft did not exceed 25 000 lbs

P. K. ROY, Dy. Secy

MINISTRY OF WORKS, MINES AND POWER

New Delhi the 22nd September 1949

No. P-108.—The following draft of a further amendment to the Cinematograph Film Rules, 1948, which it is proposed to make in exercise of the powers conferred by section 4 and sub-section (1) of section 29 of the Petroleum Act 1931 (XXX of 1934), as applied to the storage and transport of cinematograph films having nitro-cellulose base by the notification of the Government of India in the late Department of Labour No. Ex 108, dated the 14th January 1946 is published, as required by sub-section (2) of the said section 29 for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 10th October 1949

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government

Draft Amendment

In rule 2 of the said Rules, for the words “one and a half years” the words “two years” shall be substituted

B. B. PAYMASTER, Joint Secy

MINISTRY OF LABOUR

New Delhi the 24th September 1949

No. 10-A 2-48.—In exercise of the powers conferred by section 5 of the Indian Aircraft Act 1934 (XXII of 1934) the Central Government is pleased to direct that

New Delhi, the 21st September 1949

No. Fac. 38(1).—*Corrigendum*—In the Indian Dock Labourers Regulations 1948 published with the notification of the Government of India in the Ministry of Labour No

Fac. 39(1)D, dated the 10th January 1949, in Part I, Section I, of the *Gazette of India*, dated the 17th January 1948—

(8) in the Note to Form VI—

(1) in sub-regulation (2) of regulation 18, after “coamings” insert “and”;

(i) in clause (a), after “or plant”, insert “not”;

(ii) in clause (b), after “or plant”, omit “not”

(2) in regulation 28, for “clauses” read “classes”;

S. MULLICK, Dy. Secy.